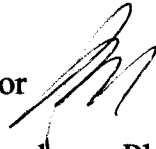


COUNTY OF YORK

MEMORANDUM

DATE: October 5, 2005 (BOS Mtg. 10/25/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. UP-683-05, The Williamsburg Players, Inc. – Minor Modification

ISSUE

This application requests a minor modification of a Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize a two-year extension of the expiration date of the use permit. The previously approved use permit authorized the expansion of the James-York Playhouse, located at 200 Hubbard Lane approximately 760 feet north of the intersection of Hubbard Lane (Route 716) and Penniman Road (Route 641). The property is further identified as Assessor's Parcel No. 10-37.

DESCRIPTION

- Property Owner: The Williamsburg Players, Inc.
- Location: 200 Hubbard Lane
- Area: 3.14 acres
- Frontage: Approximately 293 feet on Hubbard Lane (Route 716)
- Utilities: The property is served by public water and sewer.
- Topography: Moderate to severe slopes and a ravine are present to the rear of the parcel
- 2015 Land Use Map Designation: General Business
- Zoning Classification: R13 – High-Density Single-Family Residential
- Existing Development: James-York Playhouse
- Surrounding Development:

North: None

East: Single-family detached residences across Hubbard Lane

South: Bruton Fire Station and Magruder Elementary School

West: Mini-storage warehouse facility and James-York Plaza Shopping Center

- Proposed Development: 9,000-square foot building addition with 77 additional parking spaces.

BACKGROUND

On September 18, 2001, the Board approved an application for a Special Use Permit to authorize expansion of the James-York Playhouse located on Hubbard Lane. Pursuant to Section 24.1-115(c)(1) of the Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established. A use is considered to be established if all necessary foundation work has been completed and construction work is continuously and diligently pursued under a valid building permit. On September 16, 2003, the Board approved a two-year extension (Resolution No. R03-160), extending the deadline to September 18, 2005. The property owner has requested that the Board amend the use permit by again extending the time limit by two years.

Section 24.1-115(d)(2) of the Zoning Ordinance states that the Board may approve minor modifications to the conditions of an approved and currently valid special use without a public hearing provided that the following four criteria are met:

- There will be less than a 25% increase in either total lot coverage or floor area;
- There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
- Nothing in the currently valid special use permit precludes or limits such expansion or enlargement;
- The proposal is consistent with the Zoning Ordinance and the Comprehensive Plan.

This request meets these criteria and is therefore being processed as a minor amendment. Such amendments do not require a public hearing or prior review by the Planning Commission.

CONSIDERATIONS/CONCLUSIONS

The James-York Playhouse is a 3,718-square foot building operated by the Williamsburg Players, a nonprofit organization providing community theater for the greater Williamsburg area and the surrounding Hampton Roads region. The Williamsburg Players have grown in popularity over the years such that they have outgrown the existing playhouse and wish to expand. Approximately 60% of the Players' 3.14-acre site is undeveloped, so there is plenty of room for expansion. The planned expansion, approved by the Board in 2001, will consist of a 9,000-square foot attached building addition and 35 additional parking spaces located behind the existing playhouse building.

The Williamsburg Players is an all-volunteer organization funded by ticket sales, donations, and sales of food and merchandise. Unfortunately its fundraising efforts have lagged behind expectations and delayed the expansion project, hence this request for a time extension. The applicant believes that two additional years will provide enough time to raise the necessary funds to initiate the expansion project.

RECOMMENDATION

The original use permit application for this facility was approved by the Board in 2001 with recommendations of approval from both the Planning Commission and staff. As stated in the original staff report four years ago, *"The Williamsburg Players make an important contribution to the performing arts in Hampton Roads. In so doing, the Players are an asset to the community and provide a valuable cultural amenity that is not widely available elsewhere in the County. The playhouse is a good example of a nonresidential use located harmoniously in a largely residential area. The site can accommodate the proposed expansion without adverse impacts on either surrounding properties or the County's roadway network."* These statements are as true today as they were in September 2001. If this time extension is denied, the applicant will be required to apply for a new use permit, including public hearings and Planning Commission review, in order to construct the mini-storage facility. Since the factors contributing to the approval of the original use permit application have not changed, I do not believe this will accomplish anything other than place an unnecessary burden on the applicant. The applicant's request for a two-year extension to allow more time for the Williamsburg Players to continue their fundraising activities appears reasonable, and I recommend that it be approved. This may be accomplished through the adoption of proposed Resolution No. R05-170.

Carter/3337:TCC
Attachments

- Excerpts of Board of Supervisors Minutes, September 18, 2001
- Letter from William F. Hinson, dated August 23, 2005
- Vicinity Map
- Sketch plan
- Proposed Resolution No. R05-170